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# ADDITIONAL CAREER AND CAREER-CONDITIONAL APPOINTMENTS

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HEARING  
BEFORE THE  
COMMITTEE ON  
POST OFFICE AND CIVIL SERVICE  
HOUSE OF REPRESENTATIVES  
EIGHTY-FIFTH CONGRESS  
SECOND SESSION  
ON  
**H. R. 9407**

A BILL TO PROVIDE ADDITIONAL OPPORTUNITY FOR  
CERTAIN GOVERNMENT EMPLOYEES TO OBTAIN CAREER-  
CONDITIONAL AND CAREER APPOINTMENTS IN THE  
COMPETITIVE CIVIL SERVICE

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JULY 31, 1958

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Printed for the use of the Committee on Post Office and Civil Service



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### SUBCOMMITTEE APPOINTED TO CONSIDER H. R. 9407

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ROBERT J. CORBETT, Pennsylvania

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# ADDITIONAL CAREER AND CAREER-CONDITIONAL APPOINTMENTS

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THURSDAY, JULY 31, 1958

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON  
POST OFFICE AND CIVIL SERVICE,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to call, in room 215, Old House Office Building, Hon. Ralph J. Scott (chairman of the subcommittee) presiding.

Mr. SCOTT. The subcommittee will come to order.

The members of the subcommittee are Representatives Granahan and Corbett, and I was designated chairman.

This subcommittee was appointed to consider the provisions of H. R. 9407 which provides additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

This bill is intended primarily to provide reinstatement rights to the competitive civil service for a small group of maintenance and custodial workers of the National Security Agency who, on or before January 23, 1955, were in the competitive civil service but, as of November 10, 1955, had been transferred to a noncompetitive service even though they remained in the same position.

An amendment suggested by the Civil Service Commission is intended to correct the situation for another limited group of employees who failed to file timely applications for conversion to career or career-conditional appointment because of erroneous advice or determination by their employing agencies. The amendment submitted by the Civil Service Commission provides that such employees may file application for the benefits of Public Law 380, 84th Congress, within 1 year after the effective date of this proposed legislation.

We will make the bill a part of the record at this point.

(H. R. 9407 follows:)

[H. R. 9407, 85th Cong., 1st sess.]

A BILL To provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each employee of the Federal Government or of the municipal government of the District of Columbia who—

(1) on November 10, 1955, was serving in the excepted service in a position listed under schedule A or B of Rule VI of the Civil Service Rules which was removed from the competitive civil service subsequent to January 23, 1955;

(2) served in a position or positions in the competitive civil service without break in service from January 23, 1955, to the date of the removal of his position as specified in subparagraph (1) of this section;



(3) (A) during the period beginning June 3, 1950, and ending January 23, 1955, passed a qualifying examination for a position in the competitive civil service in which he served during such period, or (B) within one year after the effective date of this section meets such noncompetitive examination standards as the United States Civil Service Commission shall prescribe with respect to the position which he held at the time his position was removed from the competitive civil service; and

(4) has completed, prior to November 10, 1956, a total of continuous or intermittent satisfactory service aggregating not less than three years on the rolls in a position in or under the Federal Government or the municipal government of the District of Columbia;

may, upon approval of his application made to the United States Civil Service Commission within one year after the effective date of this section, be reappointed without competitive examination to a position in the competitive civil service for which he is qualified. Such reappointment (except reappointment to a position involving temporary job employment) shall be a career-conditional appointment or a career appointment, as determined under the appropriate United States Civil Service Commission regulations governing career-conditional and career appointments.

SEC. 2. The United States Civil Service Commission is hereby authorized and directed to promulgate such rules and regulations as it determines to be necessary to carry out the provisions of this Act.

SEC. 3. Nothing in this Act shall affect, or be construed to affect, the application of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law 253, Eighty-second Congress), as amended.

SEC. 4. The foregoing sections of this Act shall become effective on the ninetieth day following the date of enactment of this Act.

Mr. SCOTT. Mr. Broyhill, who introduced this legislation, will be the first witness this morning.

Mr. Broyhill.

## STATEMENT OF HON. JOEL T. BROYHILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. BROYHILL. Mr. Chairman and members of the subcommittee, this legislation was developed as a result of personal actions affecting civilian employees at Vint Hill Farms, a component of the National Security Agency in Virginia. The bill is essential because the employees in question did not receive the full opportunity contemplated in Public Law 380, 84th Congress, to secure career or career-conditional status.

Under Executive Order 10577, the employees were advised in March 1955 of their opportunity to apply for conversion to career or career-conditional status. Some employees filed, but have not received information to date about the results of the examination. Others understood it was necessary to submit applications because the conversion would occur regardless of the applications.

On July 1, 1955, the positions of these employees were transferred from the regular competitive service to the excepted service.

Shortly thereafter, Congress enacted Public Law 380. The statute took effect in November 1955. It was designed to permit employees who had competed successfully in a civil service examination between June 1950 and January 1955 to secure career or career-conditional status. The legislation contained special features enabling employees separated for reasons other than cause between January 1955 and November 1955 to obtain reinstatement rights upon the meeting of the examination requirements noted above.

One of the salient requirements of the law was that the position had to be in the competitive service for the active employee to secure



the statute benefits of the legislation. Another was that employees separated from a job in the competitive service for reasons other than cause could acquire reinstatement eligibility by applying up to November 1956.

There is evidence that the employees in question did not receive complete information about the availability of reinstatement eligibility. Of course, the time limit provided expired 10 months ago.

The basic purpose of H. R. 9407 is to extend to these employees the same opportunity to obtain reinstatement of eligibility as they would have acquired had their positions not been transferred from the competitive service to the excepted service on July 1, 1955. The employees had no control whatsoever over this action.

Acquisition of the reinstatement benefit will permit the individuals involved to reenter the competitive service in the future without competing in a regular civil service examination.

The bill does not change the status of the employees in their present jobs.

Although the exact number is undetermined, it is felt that a small number of similar cases exist elsewhere in the Federal service.

Lengthy correspondence and discussions have been held with the Civil Service Commission since June 1956 in an effort to solve the problem by administrative action. Even though the Commission expressed complete sympathy with the difficulty encountered by the individuals, the determination was finally made that there is no current legal authority permitting the agency to grant reinstatement rights to them.

Mr. SCOTT. Thank you, Mr. Broyhill.

We also have with us this morning Mr. Stahl, Director, Bureau of Programs and Standards, Civil Service Commission.

We will be glad to hear from you, Mr. Stahl.

#### STATEMENT OF O. GLENN STAHL, DIRECTOR, BUREAU OF PROGRAMS AND STANDARDS, CIVIL SERVICE COMMISSION

Mr. STAHL. Mr. Chairman, members of the committee, my name is O. Glenn Stahl, Director, Bureau of Programs and Standards at the Civil Service Commission.

This bill, H. R. 9407, is not a bill which the Civil Service Commission initiated, but it is a bill, to which we have no objection.

The provisions of the bill I think require a little background explanation and I would like to suggest at this point that the letter from the Civil Service Commission reporting to this committee on the bill, dated June 27, 1958, and addressed to Chairman Murray of the full committee, be inserted in the record, because an analysis of the effects of the bill, the amendment to which Chairman Scott made reference, and the Commission's position on it are fully contained in that 2½-page letter.

(The letter referred to follows:)

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., June 27, 1958.

HON. TOM MURRAY,  
Chairman, Committee on Post Office and Civil Service,  
House of Representatives.

DEAR MR. MURRAY: This is in reply to your request for the Commission's views on H. R. 9407, a bill to provide additional opportunity for certain Govern-

ment employees to obtain career-conditional and career appointments in the competitive civil service.

This bill would permit an employee of the Federal Government or the District of Columbia whose position was removed from the competitive service between January 23, 1955, and November 10, 1955, to obtain reinstatement rights in the competitive service without time limit subject to the following requirements:

1. On November 10, 1955, he was serving in a position excepted from the competitive service under schedules A or B subsequent to January 23, 1955.

2. He served without a break in service from January 23, 1955, to the date this position was removed from the competitive service.

3. He either—

(a) Between June 3, 1950, and January 23, 1955, passed a qualifying examination for a position in the competitive service in which he served; or

(b) Within 1 year of the effective date of the bill, meets the Civil Service Commission's noncompetitive examination standards for the position removed from the competitive service.

4. He has completed, prior to November 10, 1956, a total of 3 years of satisfactory service.

5. He applies to the Civil Service Commission for reinstatement rights within 1 year of the effective date of the bill.

Whether the employee receives a career-conditional or career appointment upon reinstatement would depend upon his length of creditable service as required by the Commission's regulations.

The bill would also authorize and direct the Commission to issue such additional rules and regulations as necessary to carry out its provisions and would maintain the personnel ceilings established by law. It would become effective 90 days after enactment.

Under the terms of Public Law 380, 84th Congress, employees having certain temporary and indefinite appointments could qualify for conversion to career or career-conditional appointments in the competitive service if they met certain requirements. However, if the positions of indefinite employees were removed from the competitive service between January 23 and November 10, 1955, they could qualify only for reinstatement to the competitive service for a 2-year period. To obtain these reinstatement rights, the employees would have had to meet requirements comparable to those contained in H. R. 9407.

Employees whose positions had been removed from the competitive service were faced with a problem in the exercise of these reinstatement rights within the 2-year period. Unlike employees who had been separated from the service, they continued to work in their excepted positions. Unless their jobs were abolished or they desired to move to positions in the competitive service, they could not take advantage of the benefits provided by the law. In addition, it is possible that some employees in this category failed to learn of or understand their rights under Public Law 380. It could be maintained, therefore, that they had been inequitably treated.

This bill would provide relief for such employees. It would permit them to qualify for reinstatement rights without time limit. Then, in the future, if they lost their jobs or wished to move, they could take advantage of this benefit. In view of these considerations, the Commission does not object to the enactment of this bill in its present form.

We call your attention, however, to another group of employees for whom no relief is provided under current law. They are employees who failed to file timely applications for conversion to career or career-conditional appointment because of erroneous advice or determination by their employing agencies. We believe that the equity involved in their cases is at least as great if not greater than that of the employees covered by H. R. 9407. These employees could be taken care of by including in the bill language such as the following:

"Each employee of the Federal Government or of the municipal government of the District of Columbia who met the requirements of Public Law No. 380, 84th Congress, an Act 'To provide for the granting of career-conditional and career appointments to certain qualified employees,' but did not file application for the benefits of the Act prior to November 10, 1956, because of administrative error by the agency in which he was employed, may file his application for the benefits of the Act within one year after the effective date of this section."

We are advised that the Bureau of the Budget has no objection to the submission of this report to your committee.

By direction of the Commission:

Sincerely yours,

HARRIS ELLSWORTH, *Chairman.*



Mr. STAHL. Let me explain by way of background how the relatively small problem to which this is addressed came about, and why the bill was introduced.

Back in January of 1955, the Commission inaugurated a new permanent appointment system, which we called the career-conditional appointment system. Under this system every person who enters the competitive civil service gets a career-conditional appointment, and he serves under that career-conditional status for 3 years, after which he automatically, assuming that he continues to serve satisfactorily, becomes a career appointee. During that 3 years he is in a little lesser category; he doesn't have the same rights to stay in his job as persons who have full-fledged career status.

Now it so happens that that program was designed to bring order out of the appointment system that had existed during the Korean emergency and following the Korean emergency, and to bring back into play the full competitive process.

During the Korean emergency, appointments to the civil service were made on an indefinite basis, so that none of the appointees got what is commonly referred to as civil-service status. Many of them were not appointed by competitive examination. This was all designed to correct that.

Following the establishment of this new appointment system, comporting with the full competitive process of civil service, a lot of the former indefinite employees carried on without actually having an opportunity in a number of instances to gain competitive status. It had been provided under the system that an indefinite employee who did not get civil-service status upon initiation of the program would have an opportunity to take two examinations, and on one or the other of those it would be expected that if he passed with a sufficiently high mark he could be certified to his existing job or another position and acquire status; but there were all kinds of complications. There were positions for which examinations were not held and various other problems that led to a continuing body of people, numbering I think about thirty or forty thousand in the service, who did not get status by November 1955; so effective November 1955, Congress passed Public Law 380, which, made it possible for those persons who had not yet achieved civil service status to be converted to civil service status, if they met the requirements of the law.

This wasn't a very long period, but there were a few problem cases that arose during that period. One, for example, was the problem of the persons who were away in military service during that time, and we were able, by interpretation of Public Law 380, through our General Counsel's office, to handle that group administratively, so that those people could be given a right to eligibility for conversion to a full-fledged career or career-conditional appointment, depending on their length of service, even though they might not have been serving continuously between January and November 1955. We took care of that group. But there are two other groups that we were unable to take care of, and they both would require some kind of legislative provision.

We had not felt in the Commission that the inequity in these cases was so serious that it was necessary to initiate a proposal for legislative change, but when it was initiated it was decided in the Commission that certainly we had no objection to it.

The group that the bill as presently constituted is designed to take care of is a very small group. So far as we now know it would apply to only about 25 people in one establishment at Vint Hill Farms, which is an establishment of the National Security Agency, in the Department of Defense.

The circumstances of this particular group of maintenance workers and custodial workers were simply this:

They had been indefinite employees, like these employees that Public Law 380 was designed to take care of. They had been serving in positions that were in the regular civil service but, as a result of reorganization in the Department of Defense these functions, which had been considered a part of one unit, were suddenly transferred to another unit which was in an excepted group from civil service. They were transferred to the National Security Agency, which put them automatically in schedule A, an excepted group of jobs which the Commission had excepted long before that, but by the mere act of movement of the jobs from one part of the organization to another part of the organization, they became excepted. Therefore, as of July 1, when those jobs were moved over, these people who happened to be serving in them who otherwise would have been eligible for the benefits of Public Law 380 were denied those benefits because they had not served in positions in the competitive service during that full period from January 1955 to November 1955.

The advantage that this group of employees would get under H. R. 9407 hinges almost entirely on the reinstatement privilege. After all, what civil service status implies is that a person has a "hunting license," as we sometimes call it, to get a job elsewhere in the civil service, either if he should lose out where he happens to be located, or if he should wish to change locations. He has an opportunity to be transferred without further competitive examination, when he has status.

This bill, H. R. 9407, does not provide that civil-service status be acquired by these employees, but simply provides that they may have reinstatement rights, like a person with civil-service status, if they should choose to move to another civil-service job, which is a privilege that they would have had if they had served continuously during that period in a competitive job, from January to November 1955.

They did not actually change their assignments, and there was no act on the part of the individual employees that brought about the situation in which they found themselves.

As I say, it is possible that there are other individuals or groups whose jobs during that 10-month period were moved from the competitive service to schedule A or schedule B. We so far have not been able to discover any, but the bill is so drawn that it would apply to any other such persons, if those conditions existed.

The one group, however, that the bill in its present form does not provide for is made up of employees who did not seek the opportunity or did not get the opportunity to acquire civil-service status under Public Law 380, because of an administrative error. His department might have erroneously advised him that he already had civil-service status, or they may have failed to warn him about the deadline date, or the like.

There have been a mere handful of instances which departments have advised us of where, through no fault of the individual, even



though he did serve through this whole period, and met all the requirements, failed to get status because of error in the agency. We feel if anything those individuals are even more deserving of attention and would suggest that if the Congress sees fit to pass this bill, it be amended to embrace the administrative error group.

The language proposed for that particular point is contained in our letter of June 27, and if it is adopted as an amendment it would take care of the only remaining groups for which some inequity might be found in the application of the original Public Law 380.

I will be glad to answer any questions. I know this is complicated and technical but if I can be of any assistance, if any member of my staff can be of assistance, we will be happy to try to provide it.

Mr. SCOTT. Mr. Stahl, is it correct to say that the proposed legislation, as amended on the recommendation of the Civil Service Commission, will provide an opportunity to secure career or career-conditional status to two groups of employees who did not receive such benefits as contemplated in Public Law 380?

Mr. STAHL. It would apply to the two groups I mentioned: the group that we know of at Vint Hill Farms, which is in nearby Virginia, and the group in which administrative error has been found, where the person did not get this right in the first place because of administrative error.

There is one point I want to check: The bill does not provide that they actually get status in their positions. They simply get reinstatement privileges.

There is a slight difference between the two groups: The Vint Hill Farms people get the reinstatement privilege, which is the main thing that they would like to have in the event that establishment should be closed, or something like that. I do not think they are the types of employees who expect to be moving about, but if that establishment should ever drop out from under them, they would have a reinstatement eligibility for a competitive job elsewhere in the Government; whereas the group on which administrative error has been found would have the right to be converted to career or career-conditional status right off, depending on whether they had 3 years of service or more since they are serving in positions in the competitive service.

Mr. SCOTT. You state that the Commission has no objection to this legislation?

Mr. STAHL. That is correct.

Mr. SCOTT. Would it be correct to say that the Commission, for all intents and purposes, supports it?

Mr. STAHL. Yes, I think that would be correct. We have no objection. The Commission puts its position in those terms simply to distinguish between this kind of a bill and a kind of bill which the Commission feels is vital to the system and for which it definitely wants to make a strong case. We do not feel there is a vital problem at stake here, but we recognize there has been some degree of inequity in these instances, and if it can be corrected only by legislation, then we would see no objection to doing it.

Mr. SCOTT. Mrs. Granahan.

Mrs. GRANAHAN. Mr. Chairman, to clarify something in my mind that is irrelevant to the bill, I am wondering, Mr. Stahl, if that career-conditional appointment to civil-service employees applies to

all Government agencies. For example, would it apply to the Internal Revenue Service?

Mr. STAHL. Yes, it would in that case. It applies to all Government agencies which are under competitive civil service.

Mrs. GRANAHAH. After 3 years they are career-conditional employees?

Mr. STAHL. They are career-conditional during the first 3 years, then they become career employees.

Mrs. GRANAHAH. That means they are permanent employees?

Mr. STAHL. That means what the old term "permanent" meant. We dropped that term "permanent" because it was misleading. Many people thought a man could not lose a Government job because it was "permanent."

Mrs. GRANAHAH. Every Government agency would come under it?

Mr. STAHL. Every Government agency under civil service operates under this career-conditional appointment system.

Mrs. GRANAHAH. Thank you.

Mr. SCOTT. Thank you, Mr. Stahl.

The next witness is Mr. John McCart, legislative representative, American Federation of Government Employees.

#### **STATEMENT OF JOHN A. McCART, LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES**

Mr. McCART. Mr. Chairman, I am John A. McCart. I am legislative representative of the American Federation of Government Employees.

I notice, Mr. Chairman, that Mr. Thomas G. Walters of the Government Employees' Council is scheduled to appear as a witness. He has to perform a similar chore on the Senate side this morning, and asked me if I would announce the endorsement of the Government Employees' Council on H. R. 9407. He regrets very sincerely that he was unable to appear this morning.

Mr. Chairman, Mr. Stahl has outlined very clearly and concisely the basic problem involved in the legislation, so with your permission I would like to file our statement for the record and to read some excerpts from it in order to conserve the time of the committee.

Mr. SCOTT. The statement will be received in the record.

(Mr. McCart's prepared statement follows:)

#### **STATEMENT OF JOHN A. McCART, LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES**

The bill H. R. 9407, sponsored by Representative Broyhill of Virginia, is in the category of legislative proposals designed to benefit Federal employees who have been handicapped in their employment status through no fault of their own. To that extent it corrects what has in effect been an injustice, and for that reason its enactment is strongly advocated by the American Federation of Government Employees.

The dates mentioned in section 1 of the bill relate its application to Executive Order 10577, effective January 23, 1955, and to Public Law 380, effective November 10, 1955. The effect of the bill would be to revive the benefit of the statute and of the Executive order for certain employees who were not given the opportunity to avail themselves of these provisions for gaining career status.

The group of employees that would benefit from this bill is relatively small. At present our national office is aware only that the bill will affect employees at Vint Hill Farms Station at Warrenton, Va., a constituent part of the National Security Agency. The bill is essential if these employees are to gain competitive



status, because they did not receive the full opportunity to obtain career or career-conditional status which was the intent of Public Law 380.

In March 1955, these employees were informed that Executive Order 10577 afforded them an opportunity to apply for conversion to career status. Some filed applications and subsequently they received ratings. Others filed their form 57's but were not given a qualifying rating. There were still other employees in this group who did not submit applications because they were assured that it was not required. They were led to believe that the conversion would be made irrespective of filing an application.

On July 1, 1955, these employees were placed in an excepted status, which ended their eligibility for conversion under Executive Order 10577. There was therefore the period between January 23 and July 1, 1955, when these employees could have established eligibility for conversion under the order. However, it would have been necessary to acquire status only by successfully passing an examination and being reached in regular order of certification and then being converted to career or career-conditional status.

This group of employees would have had a further opportunity for acquiring status under Public Law 380 of the 84th Congress. When it became effective November 10, 1955, they were occupying positions in the excepted service and it would have been necessary to seek reinstatement in positions in the competitive service. The majority, however, had lost the opportunity for status because they had not passed appropriate examinations before January 23, 1955.

The entire situation has been one of misunderstanding or lack of information within certain periods in which it would have been possible for some of the group to comply with the requirements of, first, the Executive order, and then the statute passed to supplement and extend the benefits of the order. Others might have qualified later had it not been for the change to excepted status.

The bill H. R. 9407 is, therefore, required to afford these employees the same opportunity to obtain eligibility for competitive status which they would have acquired had their positions not been withdrawn from the competitive service. The inequity of the situation stems from the fact that the employees had no control over this change. Acquisition of the right to competitive status will be of tremendous benefit to these employees, for it will permit them to reenter the competitive service without competing in a regular civil-service examination. Their status with respect to the excepted positions they presently hold will not, of course, be altered.

The bill H. R. 9407 will remedy the situation we have outlined. It will permit an employee of the Federal or District of Columbia government whose position was removed from the competitive service between January 23 and November 10, 1955, to obtain reinstatement rights in the competitive service without the time limit. He must have been serving on November 10, 1955, in a position excepted from the competitive service under schedule A or B subsequent to January 23, 1955, or have served without break in service from January 23, 1955, to the date his position was removed from the competitive service.

Qualification standards written into the bill assure the demonstration of suitability. However, suitability has been shown in practice, inasmuch as these employees have served satisfactorily in their excepted positions and in competitive positions in the period prior to the transfer to excepted status. Altogether, an employee to be eligible for status under terms of this bill must have completed prior to November 10, 1956, a total of 3 years of satisfactory service.

We believe, Mr. Chairman, that every effort possible should be made to enact this bill before the end of the current session of Congress. Favorable action will mean a great deal to the small number of employees who will be affected. There are no doubt others in addition to the group at Vint Hill Farms Station, but the total number is small and considerations of equitable dealing so compelling that the bill has much merit.

Our organization is appreciative of the opportunity to express our views and we desire to commend Representative Lroyhill, author of the bill, for causing it to be submitted.

Mr. McCART. Mr. Chairman, that concludes my formal presentation. I would like to make two additional points, if I may.

First, as is rather obvious, there is no expenditure of any appreciable sum of money involved in this legislation. Second, as you review the bill you will notice that it is couched in extremely technical language. That technical language is designed not to give these



employees any greater benefit than any other employees. In other words, these employees will have to meet all of the requirements that were met by everyone else at that time.

Furthermore, I would think that we should advise the committee that we feel the amendment offered by the Civil Service Commission to the bill is an equitable amendment. Where cases involving administrative error have occurred it would certainly seem to be the responsibility of the Congress, or the agency, to make certain provisions so that those employees can receive the same consideration as all others.

Finally, Mr. Chairman, I want to emphasize this point to you: This problem has been in existence for several years now. The employees have attempted to find a solution administratively. It has been discussed with their agency officials, and it has been impossible to secure a remedy. It has been discussed with the Civil Service Commission, and the Civil Service Commission finds that, legally, it is unable to solve the problem. For that reason, we must rest our case with the Congress and ask that you take the action necessary to give these employees fair treatment.

I appreciate deeply, Mr. Chairman, the opportunity of appearing before you, and stating our views on this legislation.

Mr. SCOTT. Thank you, Mr. McCart.

Mrs. Granahan?

Mrs. GRANAHAN. No questions.

Mr. SCOTT. Are there any other witnesses who would like to testify on this subject?

If not, this concludes the hearing and the subcommittee will now go into executive session.

(Whereupon, at 10:40 a. m., the subcommittee proceeded to the consideration of other business in executive session.)

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LEGISLATIVE HISTORY  
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- Aug. 22, 1957 Rep. Broyhill introduced H. R. 9407 which was referred to House Post Office and Civil Service Committee. Print of bill.
- July 17, 1958 House committee appointed special subcommittee to study H. R. 9407.
- July 31, 1958 House subcommittee ordered H. R. 9407 reported without amendment.
- Aug. 7, 1958 House committee reported H. R. 9407 without amendments. Print of bill and House Report 2506.
- Aug. 18, 1958 House passed H. R. 9407 as reported.
- Aug. 19, 1958 H. R. 9407 referred to Senate Post Office and Civil Service Committee.
- Aug. 19, 1958 Senate committee reported H. R. 9407 without amendment. Print of bill and Senate Report 2474.
- Aug. 20, 1958 Senate passed H. R. 9407 without amendment
- Aug. 28, 1958 Approved: Public Law 85-847.

HEARINGS: House Post Office and Civil Service  
Committee on H. R. 9407; July 31, 1958.





DIGEST OF PUBLIC LAW 85-847

GRANTING CAREER STATUS TO CERTAIN EMPLOYEES. Provides reinstatement rights to the competitive civil service for employees of the Federal Government whose positions on or before January 23, 1955, were in the competitive service but between that date and November 10, 1955, were transferred to the excepted service. Provides for the conversion to career or career-conditional appointments of employees who failed to file timely applications under Public Law 380, 84th Congress, (which provided for granting career-conditional and career appointments to certain qualified employees), because of erroneous advice or determination by their employing agencies.







85TH CONGRESS  
1ST SESSION

# H. R. 9407

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 22, 1957

Mr. BROYHILL introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       That each employee of the Federal Government or of the  
4       municipal government of the District of Columbia who—

5               (1) on November 10, 1955, was serving in the ex-  
6       cepted service in a position listed under schedule A or B  
7       of Rule VI of the Civil Service Rules which was removed  
8       from the competitive civil service subsequent to January  
9       23, 1955;

10           (2) served in a position or positions in the competi-

1        tive civil service without break in service from Janu-  
2        ary 23, 1955, to the date of the removal of his position  
3        as specified in subparagraph (1) of this section;

4            (3) (A) during the period beginning June 3,  
5        1950, and ending January 23, 1955, passed a qualifying  
6        examination for a position in the competitive civil service  
7        in which he served during such period, or (B) within  
8        one year after the effective date of this section meets  
9        such noncompetitive examination standards as the  
10       United States Civil Service Commission shall prescribe  
11       with respect to the position which he held at the time  
12       his position was removed from the competitive civil  
13       service; and

14            (4) has completed, prior to November 10, 1956,  
15        a total of continuous or intermittent satisfactory service  
16        aggregating not less than three years on the rolls in a  
17        position in or under the Federal Government or the  
18        municipal government of the District of Columbia;  
19       may, upon approval of his application made to the United  
20       States Civil Service Commission within one year after the  
21       effective date of this section, be reappointed without com-  
22       petitive examination to a position in the competitive civil  
23       service for which he is qualified. Such reappointment (ex-  
24       cept reappointment to a position involving temporary job  
25       employment) shall be a career-conditional appointment or a

1 career appointment, as determined under the appropriate  
2 United States Civil Service Commission regulations govern-  
3 ing career-conditional and career appointments.

4 SEC. 2. The United States Civil Service Commission  
5 is hereby authorized and directed to promulgate such rules  
6 and regulations as it determines to be necessary to carry  
7 out the provisions of this Act.

8 SEC. 3. Nothing in this Act shall affect, or be construed  
9 to affect, the application of section 1310 of the Supple-  
10 mental Appropriation Act, 1952 (Public Law 253, Eighty-  
11 second Congress), as amended.

12 SEC. 4. The foregoing sections of this Act shall become  
13 effective on the ninetieth day following the date of enact-  
14 ment of this Act.



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# A BILL

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To provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

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By Mr. BROUDIN.

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AUGUST 22, 1957

Referred to the Committee on Post Office and Civil Service



## A BILL

to amend the Internal Revenue Code of 1939 to provide for the taxation of certain income from the sale of certain property, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That

Section 1011 of the Internal Revenue Code of 1939 (40 Stat. 948) be amended to read as follows:

# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued July 18, 1958  
For actions of July 17, 1958  
85th-2d, No. 120

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**HIGHLIGHTS:** House committee ordered reported bill to facilitate insured loans by USDA. Rep. Hill urged prompt enactment of farm legislation. Rep. Cooley criticized USDA position on barter program. Rep. Martin introduced and discussed Administration bill for study of Federal pay systems. House received conference report on Labor-HEW appropriation bill. Senate debated trade agreements extension bill. Senate committee ordered reported accrued expenditures budgeting bill.

## SENATE

- 1. TRADE AGREEMENTS.** Continued debate on H. R. 12591, the trade agreements extension bill (pp. 12822-39, 12842-54, 12855-69, 12871-12914). Adopted an amendment by Sen. Capehart to request the Tariff Commission to study the advisability of basing tariff rates upon the wage rates paid in the respective countries (p. 12903).  
Rejected, 4 to 85, an amendment by Sen. Clark to make the Trade Agreements Act permanent (pp. 12864-9).
- 2. BUDGETING.** The Appropriations Committee ordered reported with amendments H. R. 8002, the accrued-expenditures budgeting bill. p. D691
- 3. LOW-INCOME FARMERS.** Sen. Hoblitzell inserted a chapter, from a book on Resource Training, which discussed how low incomes in agriculture can be improved through area development or rural development projects. pp. 12821-2
- 4. CORN.** Sens. Murray and Flanders were added as cosponsors to S. J. Res. 105, to designate the golden corn tassel as the national floral emblem. p. 12917



July 17, 1958

HOUSE

5. FARM LOANS; FORESTRY. The Agriculture Committee ordered reported H. R. 10965, to improve the insured-loans program under Title I of the Bankhead-Jones Farm Tenant Act; H. R. 12494, with amendment, to authorize the Secretary in selling certain lands to N. C. to permit the State to sell or exchange such lands for private purposes; and H. R. 8481, to extend the forestry provisions of the Agricultural Act of 1956 to Hawaii. p. D694
6. FEDERAL-STATE RELATIONS. Passed, 241 to 155, with amendments H. R. 3, to establish rules of interpretation governing questions of the effect of acts of Congress on State laws. pp. 12784-818  
Agreed, 206 to 88, to an amendment by Rep. Willis which specifically provides for the enforcement of State statutes prescribing criminal penalties for subversive activities. pp. 12793-97  
Rejected an amendment by Rep. Withrow to exclude from the bill any act of Congress relating to common carriers and their employees operating in interstate commerce. pp. 12801-02
7. PERSONNEL. The Post Office and Civil Service Committee reported with amendment S. 25, to specify the effective date upon which changes in pay of wage-board employees shall begin following the start of a survey (H. Rept. 2207). p. 12813  
The Post Office and Civil Service Committee ordered reported with amendment  
8. H. R. 1168, to clarify the application of Sec. 507 of the Classification Act of 1949 with respect to the preservation of the rates of basic compensation of certain employees in cases involving downgrading actions. p. D695  
The committee appointed special subcommittees to consider H. R. 9407, to provide additional opportunity for certain employees to obtain career-conditional and career appointments in the competitive service; and H. R. 6552, to ~~authorize the noncompetitive acquisition of a competitive status by employees with a service-connected disability.~~
8. WATER POLLUTION. The Public Works Committee reported without amendment H. R. 13420, to amend the Federal Water Pollution Act so as to increase the limitation on certain grants for construction from \$250,000 to \$500,000 (H. Rept. 2212). p. 12813
9. ONION FUTURES. Conferees were appointed on H. R. 376, to prohibit trading in onion futures and remove onions from regulations under the Commodity Exchange Act. Senate conferees have not been appointed. p. 12781
10. APPROPRIATIONS. Received the conference report on H. R. 11645, the Labor-HEW appropriation bill for 1959 (H. Rept. 2220). With regard to the Mexican Farm Labor program, agreed to restore the House language to provide \$480,600 for determining compliance with contracts under the program, and to provide \$1,550,000 for administration of the program, instead of \$2,250,000 as proposed by the Senate. pp. 12782-84, 12813
11. FARM PROGRAM. Rep. Hill urged the House to "pass an agricultural bill similar to that pending before the Senate," with the inclusion of provisions for the extension of Public Law 480 and the Wool Act. He criticized "political opportunists ... trying to farm the farmer instead of working for sound, beneficial agricultural legislation and programs." p. 12810







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued August 1, 1958  
For actions of July 31, 1958  
85th-2d, No. 130

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HIGHLIGHTS: House subcommittee ordered reported cotton amendments to farm bill. Senate passed bills to: Provide accrued expenditure budgeting. Regulate withholding of information by agencies. Senator Humphrey criticized GAO ruling on REA loan authority. House committee ordered reported omnibus housing bill.

HOUSE July 31, 1958

1. FARM PROGRAM. The "Daily Digest" states that the Subcommittee on Cotton of the Agriculture Committee "met in executive session on provisions relating to cotton in S. 4071, re marketing programs for various agricultural commodities, and ordered reported to the full committee certain amendatory recommendations of the bill." pp. D770-71
2. HOUSING. The Banking and Currency Committee ordered reported with amendment S. 4035, the omnibus housing bill. p. D771
3. ONION FUTURES. Conferees agreed to file a conference report on H. R. 376, to prohibit trading in onion futures and remove onions from regulation under the Commodity Exchange Act. p. D771
4. PERSONNEL. A subcommittee of the Post Office and Civil Service Committee ordered reported with amendment H. R. 9407, to provide additional opportunity for certain employees to obtain career-conditional and career appointments in the competitive service. p. D771



5. TRANSPORTATION. The Merchant Marine and Fisheries Committee reported with amendment H. R. 474, to repeal Sec. 217 of the Merchant Marine Act of 1936 relating to the coordination of the forwarding and servicing of water-borne export and import foreign commerce of the U. S. (H. Rept. 2332), and H. R. 8382, to provide for the licensing of independent foreign freight forwarders (H. Rept. 2333). p. 14493
6. MILITARY CONSTRUCTION. Conferees were appointed on H. R. 13015, to authorize construction at military installations. Senate conferees have not been appointed. p. 14397  
Both Houses
7. APPROPRIATIONS. /agreed to the conference report on H. R. 12948, the D. C. appropriation bill for 1959, and insisted on its disagreement to two of the Senate amendments. pp. 14397-98, 14384, 14388-90. Ready for the President. Conferees were appointed on H. R. 12738, the Defense Department appropriation bill for 1959. Senate conferees have not been appointed. p. 14398
8. FORESTRY. Conferees were appointed on S. 3051, to provide for either private or Federal acquisition of that part of the Klamath Indian forest lands which must be sold. Senate conferees have been appointed. p. 14445
9. ELECTRIFICATION. The Public Works Committee was granted permission until midnight Fri., Aug. 1, to file a report on S. 1869, to provide TVA with the authority to issue bonds to finance the construction of new generating capacity. pp. 14485, 14490
10. SMALL BUSINESS. Rep. Kilburn was relieved as a conferee on S. 3651, to make equity capital and long-term credit more readily available for small-business concerns, and Rep. Betts was appointed in his place. p. 14485
11. WATERSHEDS. The Public Works Committee approved work plans for the following watershed projects: Alamo Arroyo and Diablo Arroyo, Tex.; Elm River, N. Dak.; Mud River, Ky.; Tramperos Creek, N. Mex.; Dry Devils River, Lowery Draw, and Upper Lake Fork Creek, Tex.; Lower Willow Creek, Mont.; Whitegrass-Waterhole Creek, Okla.; and Little Schuylkill River, Pa. pp. 14445, 14493
12. COMMITTEE ASSIGNMENTS. Rep. Coudert resigned as a member of the Appropriations Committee, and Rep. Lipscomb was elected in his place. p. 14490
13. SURPLUS COMMODITIES. Both Houses received from this Department the monthly report of the General Sales Manager regarding sales of CCC surplus commodities. pp. 14492, 14342
14. ATOMIC ENERGY. Both Houses received the semiannual report of the Atomic Energy Commission. pp. 14492-93, 14342
15. LEGISLATIVE PROGRAM. Rep. McCormack announced that the Private Calendar will not be called Tues., Aug. 5. p. 14485

SENATE

16. BUDGETING. Passed, 68 to 6, as reported H. R. 8002, the accrued expenditures budgeting bill (pp. 14390-5).  
As passed by the Senate, the bill provides as follows: When the President determines that there is a satisfactory accrual-accounting system for an appropriation or fund account, his estimates shall be accompanied by a proposed accrued-expenditures limitation, and he may include proposed authorizations for







House - Aug. 7, 1958

4. SMALL BUSINESS. Agreed to the conference report on S. 3651, to make equity capital and long-term credit more readily available for small-business concerns. pp. 15182-86
5. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 12738, the Defense Department appropriation bill for 1959, and acted on amendments in disagreement. This bill will now be sent to the President. pp. 14176-82, 15146-7 (The conferees deleted the requirement for reports on budgetary reserves, but requested that the Budget Bureau arrange for such reports.)
6. IMPORTS. Agreed to the conference report on H. R. 6006, to provide for greater certainty, speed, and efficiency in the enforcement of the Antidumping Act. pp. 15186-87
7. CONTRACTS. Passed as reported H. R. 11749, to extend the Renegotiation Act of 1951 for 6 months, until June 30, 1959. pp. 15188-89
8. EDUCATION. Began debate on H. R. 13247, the national defense education bill, after agreeing, 265 to 108, to a Rules Committee resolution for debate on the bill. pp. 15192-218
9. PERSONNEL. The Post Office and Civil Service Committee reported H. R. 9407, with amendment, to provide additional opportunity for certain employees to obtain career-conditional and career appointments in the competitive service (H. Rept. 2506); and S. 4004, ~~without amendment, to encourage transfers of~~ Federal employees for service with international organizations (H. Rept. 2509). p. 15231  
The Foreign Affairs Committee reported with amendment S. 3195, to authorize certain retired Federal personnel to accept and wear decorations, presents, and other things tendered them by certain foreign countries (H. Rept. 2521). p. 15232  
The Post Office and Civil Service Committee issued a report on the study of manpower utilization in financial management functions in the Federal Government (H. Rept. 2512). p. 15232  
The Ways and Means Committee reported without amendment H. R. 11908, to repeal Sec. 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws (H. Rept. 2515). p. 15232
10. INSPECTION SERVICES. The Government Operations Committee reported without amendment S. 3873, to permit the interchange of inspection services between executive agencies without reimbursement or transfer of funds (H. Rept. 2508). p. 15231
11. FORESTRY. The Interior and Insular Affairs Committee reported without amendment H. R. 12242, to authorize the sale or exchange of certain Forest Service lands in Pima County, Ariz. (H. Rept. 2523). p. 15232
12. RECLAMATION. The Interior and Insular Affairs Committee ordered reported H. R. 12899, to construct the San Luis unit of the Central Valley project, Calif.; and H. J. Res. 585, to authorize studies and a report on service to certain California counties from the Central Valley project. p. D814
13. ELECTRIFICATION. The Rules Committee adopted a motion to reconsider previous action of having tabled hearing to consider the granting of a rule on S. 1869, to authorize the TVA to issue and sell bonds to assist in the financing of its power programs. p. D814



# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued August 3, 1958  
For actions of August 7, 1958  
85th-2d, No. 135

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HIGHLIGHTS; House agreed to conference report to extend trade agreements authority. Sens. Aiken and Stennis urged compromise on the farm bill. Senate debated bill to revise procedures for election of CSS farmer committeemen. Senate agreed to conference report on bill prohibiting onion futures trading. Sens. Proxmire and Humphrey criticized farm program and size of USDA budget. House Rules Committee cleared area redevelopment bill. Both Houses agreed to conference report on Defense Department appropriation bill. Sen. Anderson submitted and discussed measure to re-establish acreage allotments and price support levels for 1959 upland cotton.

## HOUSE

1. FOREIGN TRADE. Agreed, 161 to 56, to the conference report on H. R. 12591, to extend the authority of the President to enter into trade agreements. pp. 15170-76
2. AREA REDEVELOPMENT. The Rules Committee granted a rule for consideration of S. 3683, to establish an effective program to alleviate conditions of substantial and persistent unemployment in certain economically depressed areas. p. D814
3. MINERALS. The Rules Committee announced agreement to hold hearings on S. 4036, to provide stabilization payments to certain mineral producers. p. D814  
Agreed to the conference report on S. 2069, to amend the Mineral Leasing Act so as to promote the development of coal on the public domain. p. 15186

## PROVIDING FOR CERTAIN EMPLOYEES TO OBTAIN CAREER AND CAREER-CONDITIONAL APPOINTMENTS

---

AUGUST 7, 1958.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. SCOTT of North Carolina, from the Committee on Post Office and  
Civil Service, submitted the following

### REPORT

[To accompany H. R. 9407]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 9407) to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

- (1) Page 1, line 3, immediately after the word "That", insert "(a)".
- (2) Page 3, immediately following line 3, insert the following new subsection:

(b) Each employee of the Federal Government or of the municipal government of the District of Columbia who met the requirements of the Act entitled "An Act to provide for the granting of career-conditional and career appointments to certain qualified employees", approved August 12, 1955 (Public Law 380, Eighty-fourth Congress), but did not file application for the benefits of such Act prior to November 10, 1956, because of administrative error by the department, agency, or establishment in which he was employed, may file his application for the benefits of such Act within one year after the effective date of this section.

#### PURPOSE OF AMENDMENTS

The first amendment is a technical amendment designating the language of the first section of the introduced bill as subsection (a), made necessary because of the addition of a new subsection (b) of such section as provided in the second amendment.

The purpose of the second amendment is to include in the bill the language recommended by the Civil Service Commission which will



provide relief to those employees who failed to file timely applications for conversion to career or career-conditional appointments because of erroneous advice or determination by their employing agencies. Such employees will be given opportunity, under the amendment, to acquire competitive status.

#### PURPOSE, COST, AND ADMINISTRATIVE APPROVAL

The bill as introduced extends reinstatement rights to the competitive civil service to approximately 25 maintenance and custodial employees in the Department of Defense whose positions were removed from the competitive civil service. The second amendment extends the right to acquire career or career-conditional appointments to a limited number of employees in accordance with recommendations of the Civil Service Commission.

No additional expenditure is involved in this legislation.

The reported bill has the approval of the Civil Service Commission and major Federal employee organizations.

#### STATEMENT

The reported bill provides (1) reinstatement rights to the competitive civil service for employees of the Federal Government and the District of Columbia whose positions on or before January 23, 1955, were in the competitive service but between that date and November 10, 1955, were transferred to the excepted service; and (2) extends conversion to career or career-conditional appointments to employees who failed to file timely applications under existing law because of erroneous advice or determination by their employing agencies.

In August 1955, Congress passed Public Law 380, 84th Congress (69 Stat. 709), to provide for the granting of career-conditional and career appointments to certain qualified employees. Public Law 380 made it possible for Federal employees under temporary or indefinite appointments to be converted to civil-service status if they met certain requirements set forth in the law.

A small group of approximately 25 maintenance and custodial workers of the National Security Agency in the Department of Defense were denied these rights. The reason for this denial was that, during the period January 23 to November 10, 1955, their positions were transferred to the excepted service although they continued to perform the same work. This bill provides reinstatement rights in the competitive civil service to this group of employees providing they submit an application within 1 year after the effective date of this legislation. These rights may be exercised at any subsequent date. Thus, these employees may at some later date be appointed positions in the competitive service without the necessity of taking a competitive examination.

These rights would accrue if the employee (1) was serving in the excepted service on November 10, 1955; (2) served in the competitive service without break from January 23, 1955, until his position was removed to the excepted service; (3) passed a qualifying examination between June 3, 1950, and January 23, 1955, or within a year after effective date of the bill meets the Civil Service Commission non-competitive-examination standards; (4) has completed, prior to November 10, 1956, a total of 3 years' satisfactory service; and (5) applies to the Civil Service Commission for reinstatement rights within 1 year of the effective date of this legislation.

It was the recommendation of the Civil Service Commission that the introduced bill be amended to correct the situation for another limited group of employees who were not given the benefits of Public Law 380, 84th Congress. The bill as amended provides that an employee of the Federal Government or of the municipal government of the District of Columbia who met the requirements of Public Law 380 but who did not file application for the benefits of the act prior to November 10, 1956, because of administrative error by the agency in which he was employed, may file his application for conversion to a career-conditional or career appointment within 1 year after the effective date of this legislation. This group of employees will have the right to be converted to career or career-conditional status immediately, providing they meet the requirements of Public Law 380.

Section 2 of the bill authorizes and directs the Civil Service Commission to promulgate such rules and regulations as it determines to be necessary to carry out the provisions of this act.

Section 3 provides that nothing in this act shall affect the application of 1310 of the Supplemental Appropriation Act, 1952 (Public Law 253, 82d Cong.), as amended.

Section 4 provides that this act shall become effective on the 90th day following the date of enactment.

The committee has not been informed of any objections relating to this legislation. Representatives of the major employee groups strongly recommend that this legislation be enacted into law.

The favorable report of the Civil Service Commission on H. R. 9407 follows:

JUNE 27, 1958.

Hon. TOM MURRAY,

*Chairman, Committee on Post Office and Civil Service,  
United States House of Representatives.*

DEAR MR. MURRAY: This is in reply to your request for the Commission's views on H. R. 9407, a bill "To provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service."

This bill would permit an employee of the Federal Government or the District of Columbia whose position was removed from the competitive service between January 23, 1955, and November 10, 1955, to obtain reinstatement rights in the competitive service without time limit subject to the following requirements:

1. On November 10, 1955, he was serving in a position excepted from the competitive service under schedules A or B subsequent to January 23, 1955;

2. He served without a break in service from January 23, 1955, to the date this position was removed from the competitive service;

3. He either—

- A. Between June 3, 1950, and January 23, 1955, passed a qualifying examination for a position in the competitive service in which he served; or

- B. Within 1 year of the effective date of the bill, meets the Civil Service Commission's noncompetitive examination standards for the position removed from the competitive service;

4. He has completed, prior to November 10, 1956, a total of 3 years of satisfactory service;

5. He applies to the Civil Service Commission for reinstatement rights within 1 year of the effective date of the bill.



Whether the employee receives a career-conditional or career appointment upon reinstatement would depend upon his length of creditable service as required by the Commission's regulations.

The bill would also authorize and direct the Commission to issue such additional rules and regulations as necessary to carry out its provisions and would maintain the personnel ceilings established by law. It would become effective 90 days after enactment.

Under the terms of Public Law 380, 84th Congress, employees having certain temporary and indefinite appointments could qualify for conversion to career or career-conditional appointments in the competitive service if they met certain requirements. However, if the positions of indefinite employees were removed from the competitive service between January 23, 1955, and November 10, 1955, they could qualify only for reinstatement to the competitive service for a 2-year period. To obtain these reinstatement rights, the employees would have had to meet requirements comparable to those contained in H. R. 9407.

Employees whose positions had been removed from the competitive service were faced with a problem in the exercise of these reinstatement rights within the 2-year period. Unlike employees who had been separated from the service, they continued to work in their excepted positions. Unless their jobs were abolished or they desired to move to positions in the competitive service, they could not take advantage of the benefits provided by the law. In addition, it is possible that some employees in this category failed to learn of or understand their rights under Public Law 380. It could be maintained, therefore, that they had been inequitably treated.

This bill would provide relief for such employees. It would permit them to qualify for reinstatement rights without time limit. Then, in the future, if they lost their jobs or wished to move, they could take advantage of this benefit. In view of these considerations, the Commission does not object to the enactment of this bill in its present form.

We call your attention, however, to another group of employees for whom no relief is provided under current law. They are employees who failed to file timely applications for conversion to career or career-conditional appointment because of erroneous advice or determination by their employing agencies. We believe that the equity involved in their cases is at least as great if not greater than that of the employees covered by H. R. 9407. These employees could be taken care of by including in the bill language such as the following:

"Each employee of the Federal Government or of the municipal government of the District of Columbia who met the requirements of Public Law No. 380, 84th Congress, an act 'To provide for the granting of career-conditional and career appointments to certain qualified employees,' but did not file application for the benefits of the act prior to November 10, 1956, because of administrative error by the agency in which he was employed, may file his application for the benefits of the act within 1 year after the effective date of this section."

We are advised that the Bureau of the Budget has no objection to the submission of this report to your committee.

By direction of the Commission.

Sincerely yours,

HARRIS ELLSWORTH, *Chairman.*



# Union Calendar No. 1033

85TH CONGRESS  
2D SESSION

## H. R. 9407

[Report No. 2506]

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### IN THE HOUSE OF REPRESENTATIVES

AUGUST 22, 1957

Mr. BROYHILL introduced the following bill; which was referred to the Committee on Post Office and Civil Service

AUGUST 7, 1958

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in italic]

---

## A BILL

To provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

1      *Be it enacted by the Senate and House of Representa-*  
2      *tives of the United States of America in Congress assembled,*

3      That (a) each employee of the Federal Government or of  
4      the municipal government of the District of Columbia who—

5              (1) on November 10, 1955, was serving in the ex-  
6      cepted service in a position listed under schedule A or B  
7      of Rule VI of the Civil Service Rules which was removed  
8      from the competitive civil service subsequent to January  
9      23, 1955;

10            (2) served in a position or positions in the competi-

1        tive civil service without break in service from Janu-  
2        ary 23, 1955, to the date of the removal of his position  
3        as specified in subparagraph (1) of this section;

4            (3) (A) during the period beginning June 3,  
5        1950, and ending January 23, 1955, passed a qualifying  
6        examination for a position in the competitive civil service  
7        in which he served during such period, or (B) within  
8        one year after the effective date of this section meets  
9        such noncompetitive examination standards as the  
10       United States Civil Service Commission shall prescribe  
11       with respect to the position which he held at the time  
12       his position was removed from the competitive civil  
13       service; and

14            (4) has completed, prior to November 10, 1956,  
15        a total of continuous or intermittent satisfactory service  
16        aggregating not less than three years on the rolls in a  
17        position in or under the Federal Government or the  
18        municipal government of the District of Columbia;  
19        may, upon approval of his application made to the United  
20        States Civil Service Commission within one year after the  
21        effective date of this section, be reappointed without com-  
22        petitive examination to a position in the competitive civil  
23        service for which he is qualified. Such reappointment (ex-  
24        cept reappointment to a position involving temporary job  
25        employment) shall be a career-conditional appointment or a

1 career appointment, as determined under the appropriate  
2 United States Civil Service Commission regulations govern-  
3 ing career-conditional and career appointments.

4 *(b) Each employee of the Federal Government or of*  
5 *the municipal government of the District of Columbia who*  
6 *met the requirements of the Act entitled "An Act to provide*  
7 *for the granting of career-conditional and career appoint-*  
8 *ments to certain qualified employees", approved August 12,*  
9 *1955 (Public Law 380, Eighty-fourth Congress), but did*  
10 *not file application for the benefits of such Act prior to*  
11 *November 10, 1956, because of administrative error by the*  
12 *department, agency, or establishment in which he was em-*  
13 *ployed, may file his application for the benefits of such Act*  
14 *within one year after the effective date of this section.*

15 SEC. 2. The United States Civil Service Commission  
16 is hereby authorized and directed to promulgate such rules  
17 and regulations as it determines to be necessary to carry  
18 out the provisions of this Act.

19 SEC. 3. Nothing in this Act shall affect, or be construed  
20 to affect, the application of section 1310 of the Supple-  
21 mental Appropriation Act, 1952 (Public Law 253, Eighty-  
22 second Congress), as amended.

23 SEC. 4. The foregoing sections of this Act shall become  
24 effective on the ninetieth day following the date of enact-  
25 ment of this Act.



85TH CONGRESS  
2d Session

**H. R. 9407**

[Report No. 2506]

## **A BILL**

To provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

By Mr. BROUHILL

AUGUST 22, 1957

Referred to the Committee on Post Office and Civil Service

AUGUST 7, 1958

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed







Aug. 18, 1958

11. PERSONNEL. Passed as reported H. R. 9407, to provide additional opportunity for certain employees to obtain career-conditional and career appointments in the competitive service. p. 16848  
Passed without amendment S. 4004, to encourage transfers of Federal employees for service with international organizations. This bill will now be sent to the President. pp. 16849-49  
Passed as reported S. 3195, to authorize certain retired Federal personnel to accept and wear decorations, presents, and other things tendered them by certain foreign countries. pp. 16850-66
12. INSPECTION SERVICES. Passed without amendment S. 3873, to permit the interchange of inspection services between executive agencies without reimbursement or transfer of funds. This bill will now be sent to the President. p. 16867
13. MINING CLAIMS. Passed over without prejudice, at the request of Rep. Saylor, S. 2039, to clarify the requirements with respect to the performance of labor imposed as a condition for the holding of mining claims on Federal lands pending the issuance of patents therefor. p. 16867
14. EDUCATION. The Rules Committee reported a resolution for consideration of H. R. 13247, the national defense education bill. p. 16887
15. SALINE WATER. The "Daily Digest" states that conferees agreed to file a report on "S. J. Res. 135, relating to the conversion of saline water to potable uses." p. D871
16. LEGISLATIVE PROCEDURE. Rep. Arends objected to scheduling numerous bills in the House for consideration under suspension of the rules, stating that "some of these bills you have scheduled are of major importance and highly controversial and extremely costly to the American people." p. 16804

SENATE

17. FARM PROGRAM. Concurred in the House amendment to S. 4071, the Senate farm bill. This bill will now be sent to the President. (pp. 16748-59) See Digest 140 regarding provisions of the House Amendment.
18. FARM LABOR. Passed without amendment H. R. 10360, to extend the Mexican farm labor program until June 30, 1961. This bill will now be sent to the President. p. 16659
19. LIVESTOCK DISEASES. Passed as reported H. R. 12126, to extend to wild animals the same prohibition against entry into the U. S. as domestic animals from any country where rinderpest or foot-or-mouth disease exists. p. 16661
20. MARGARINE. Passed with amendment H. R. 912, to amend the Navy ration statute to permit the serving of oleo or margarine. pp. 16661-2
21. TEXTILES. Passed with amendments H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products. (pp. 16720-1, 16725, 16726-45)  
Adopted the committee amendments, and an amendment by Sen. Javits, to eliminate language requiring the labeling of the containers of imported textile products (p. 16744).



22. WATER RESOURCES. Passed with amendments H. R. 5497, to authorize Federal assistance for certain fish and wildlife development projects under the Watershed Protection and Flood Prevention Act. Agreed to two amendments by Sen. Cotton to exclude recreational facilities from the bill. pp. 16716-19
- Passed with amendment H. R. 12216, to designate a dam on the Cumberland River near Carthage, Tenn., as the Cordell Hull Dam, and to establish a U. S. study commission on certain Texas river basins. pp. 16634-5
- Passed without amendment H. J. Res. 585, to authorize the Secretary of the Interior to conduct studies into the feasibility of furnishing water from the Central Valley Project to the counties of Santa Clara, San Benito, Santa Cruz, and Monterey, Calif., by way of the Pacheco Tunnel route or other means. This measure will now be sent to the President. p. 16638
- Sen. Neuberger discussed S. 3185, to require the FPC to secure approval by the Secretary of the Interior of any license affecting fish and wildlife resources. He asserted that the amendment proposed by Sen. Morse, to require only that the FPC receive recommendations but not be bound by them, would maintain the present situation in FPC, which, he alleged, "has neither special competence nor special sympathy for conservation goals and methods, when they would militate against construction of a power project." pp. 16622-26
- Sen. Watkins inserted two articles on Russian hydro-power development which asserted that their program was behind schedule, and greater emphasis was now being placed on thermal power generation. pp. 16617-18
- Sen. Johnson discussed the development of Texas' water resources and urged the development of a unified program. pp. 16611-12
23. FORESTRY. Passed without amendment H. R. 8481, to extend title IV of the Agricultural Act of 1956, relating to forestry, to Hawaii. This bill will now be sent to the President. p. 16638
- Sen. Humphrey inserted resolutions from the cities of Tower, Eveleth, and Kinney, Minn., urging the appropriation of additional funds for construction projects planned for the Superior National Forest. p. 16613
24. LAND UTILIZATION. Passed without amendment H. R. 12494, to authorize this Department, in selling or agreeing to the sale of certain lands to N. C., to permit the State to sell or exchange such lands for private purposes. This bill will now be sent to the President. p. 16638
25. ELECTRIFICATION. Passed without amendment S. 3571, to provide for equal treatment of all State-owned hydro-electric power projects with respect to the taking over of such projects by the U. S. p. 16633
- Sen. Humphrey inserted a resolution from the East River Electric Power Cooperative urging the enactment of S. 2990 and H. R. 11762, to transfer certain REA functions from the Secretary to the REA Administrator. pp. 16612-13
26. RESEARCH. Passed with amendment S. 3268, to provide various amendments to the National Science Foundation Act. pp. 16631-2
27. ADMINISTRATIVE ORDERS. The Judiciary Committee reported without amendment H. R. 6789, to provide for reasonable notice of applications to the U. S. Courts of appeals for interlocutory relief against the orders of certain administrative agencies (S. Rept. 2435). p. 16613
28. FOOD ADDITIVES. The Labor and Public Welfare Committee reported with amendments H. R. 13254, to amend the Federal Food, Drug, and Cosmetic Act so as to prohibit the use in foods of additives which have not been adequately tested to establish their safety (S. Rept. 2422). p. 16613



### AMENDING THE INTERCOASTAL SHIPPING ACT

The Clerk called the bill (H. R. 12125) to amend the Intercoastal Shipping Act, 1933 (47 Stat. 1425), as amended, to authorize incorporation of contract terms by reference in short-form documents.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 4196) be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the first paragraph of section 2 of the Intercoastal Shipping Act, 1933 (47 Stat. 1425) as amended, (U. S. C., title 46, section 844) is amended to read as follows:

"SEC. 2. That every common carrier by water in intercoastal commerce shall file with the Federal Maritime Board and keep open to public inspection schedules showing all the rates, fares, and charges for or in connection with transportation between intercoastal points on its own route; and, if a through route has been established, all the rates, fares, and charges for or in connection with transportation between intercoastal points on its own route and points on the route of any other carrier by water. The schedules filed, and kept open to public inspection as aforesaid by any such carrier shall plainly show the places between which passengers and/or freight will be carried, and shall contain the classification of freight and of passenger accommodations in force, and shall also state separately each terminal or other charge, privilege, or facility, granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates, fares, or charges, or the value of the service rendered to the passenger consignor, or consignee, and shall include the terms and conditions of any passenger ticket, bill of lading, contract of affreightment, or other document evidencing the transportation agreement. The terms and conditions as filed with the Federal Maritime Board shall be framed under glass and posted in a conspicuous place on board each vessel where they may be seen by passengers and others at all times. Such carriers in establishing and fixing rates, fares, or charges may make equal rates, fares, or charges for similar service between all ports of origin and all ports of destination, and it shall be unlawful for any such carrier, either directly or indirectly, through the medium of any agreement, conference, association, understanding, or otherwise, to prevent or attempt to prevent any such carrier from extending service to any publicly owned terminal located on any improvement project authorized by the Congress at the same rates which it charges at its nearest regular port of call. Such schedules shall be plainly printed, and copies shall be kept posted in a public and conspicuous place at every wharf, dock, and office of such carrier where passengers or freight are received for transportation, in such manner that they shall be readily accessible to the public and can be conveniently inspected. In the event that any such schedule includes the terms and conditions of any passenger ticket, bill of lading, contract of affreightment or other document evidencing the transportation agreement, as herein provided, copies of such terms and conditions shall be made available to any shipper, consignee, or passenger upon request. Such terms and conditions, if filed as permitted by this section and framed under glass and posted in a conspicuous place on board each vessel where

they may be seen by passengers and others at all times, may be incorporated by reference in a short form of same actually issued for the transportation, or in a dock receipt or other document issued in connection therewith, by notice printed on the back of each document that all parties to the contract are bound by the terms and conditions as filed with the Federal Maritime Board and posted on board each vessel, and when so incorporated by reference every carrier and any other person having any interest or duty in respect of such transportation shall be deemed to have such notice thereof as if all such terms and conditions had been set forth in the short form document."

Mr. DINGELL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 2, line 12, after the word "part" delete "or" and insert "of."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 12125) was laid on the table.

### LEASE OF PAPAGO TRIBAL LAND

The Clerk called the bill (S. 4167) to authorize the lease of Papago tribal land to the National Science Foundation, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Papago Indian Tribe, with the approval of the Secretary of the Interior, is authorized to lease to the National Science Foundation, for the construction of an astronomical observatory, approximately 2,400 acres, more or less, of tribal land on the Papago Indian Reservation, and to grant to the National Science Foundation, or to an agency designated by it, permanent rights-of-way across the Papago Indian Reservation for roads and utilities needed in connection with such observatory. The term of the lease shall be for as long as the property is used for scientific purposes and may provide for an initial payment of not to exceed \$25,000 in addition to annual rental fees. The lease shall also prescribe the terms and conditions under which the tribe may jointly use that portion of the leased area not specifically needed for the observatory.

SEC. 2. The National Science Foundation is hereby authorized to expend appropriated funds for construction on the leased land described above, on behalf of the Federal Government, an optical astronomical observatory, including telescopes, administration buildings, and other structures deemed necessary and desirable by the Foundation for creation of a scientific facility appropriate for use by the Nation's astronomers.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### CONVEY LANDS ON HUNTLEY RECLAMATION PROJECT, MONTANA

The Clerk called the bill (S. 1742) to amend the acts approved April 16 and July 27, 1906 (34 Stat. 116 and 519), so as to authorize the Secretary of the Interior to convey certain lands in the Huntley reclamation project, Yellowstone County, Mont., to school district

No. 24, Huntley Project Schools, Yellowstone County, Mont.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

### RED LAKE BAND OF CHIPPEWA INDIANS

The Clerk called the bill (S. 2922) to authorize per capita payments to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized to withdraw as much as may be necessary from the fund on deposit in the Treasury of the United States arising from the proceeds of the sale of timber and lumber within the Red Lake Reservation in Minnesota, according to the provisions of the act of May 18, 1916 (39 Stat. 137), to the credit of the Red Lake Indians in Minnesota, and to pay therefrom \$100 to each member of the Red Lake Band of Chippewa Indians of Minnesota who is living at the date of enactment of this act. Such payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe.

SEC. 2. No money paid to Indians under this act shall be subject to any lien or claim of attorneys, or other persons.

SEC. 3. Payments made under this act shall not be held to be "other income and resources" as that term is used in sections 2 (a) (7), 402 (a) (7), and 1002 (a) (8) of the Social Security Act, as amended (U. S. C., 1946 edition, title 42, secs. 302 (a), (7), 602 (a) (7), and 1202 (a) (8)).

SEC. 4. The nineteenth paragraph of section 9 of the act of May 18, 1916 (39 Stat. 123, 138), is amended to read as follows:

"After the payment of all expenses connected with the administration of these lands as herein provided, the net proceeds therefrom shall be covered into the Treasury of the United States to the credit of the Red Lake Indians and draw interest at the rate of 4 percent per annum. Any part of such fund or the interest thereon that is in excess of reserve and operating requirements, as determined by the Secretary of the Interior, may be distributed per capita to the members of the Red Lake band upon request of the tribal council and approved by the Secretary."

SEC. 5. Paragraph 17 of section 9 of the act of May 18, 1916 (39 Stat. 123, 137), as amended by the act of August 3, 1956 (70 Stat. 982) is amended by deleting from clause (a) thereof "with the consent of the tribal council."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### MAILING OF OBSCENE MATTER

The Clerk called the bill (H. R. 4383) to amend the act of July 27, 1956, relating to detention of mail for temporary periods in certain cases.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.



Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 4287, be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That section 2 of the act entitled "An act to authorize the Postmaster General to hold and detain mail for temporary periods in certain cases", approved July 27, 1956 (Public Law 821, 84th Congress; 70 Stat. 700), is hereby amended to read as follows:

"SEC. 2. The provisions of this act shall not apply to mail addressed to publishers of publications which have entry as second-class matter under the act of March 3, 1879, as amended (ch. 180, 20 Stat. 358; 39 U. S. C. 221, and the following), or to mail addressed to the agents of such publishers."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 4383) was laid on the table.

#### CAREER AND CAREER-CONDITIONAL APPOINTMENTS

The Clerk called the bill (H. R. 9407) to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That each employee of the Federal Government or of the municipal government of the District of Columbia who—

(1) on November 10, 1955, was serving in the excepted service in a position listed under schedule A or B of rule VI of the Civil Service rules which was removed from the competitive civil service subsequent to January 23, 1955;

(2) served in a position or positions in the competitive civil service without break in service from January 23, 1955, to the date of the removal of his position as specified in subparagraph (1) of this section;

(3) (A) during the period beginning June 3, 1950, and ending January 23, 1955, passed a qualifying examination for a position in the competitive civil service in which he served during such period, or (B) within 1 year after the effective date of this section meets such noncompetitive examination standards as the United States Civil Service Commission shall prescribe with respect to the position which he held at the time his position was removed from the competitive civil service; and

(4) has completed, prior to November 10, 1956, a total of continuous or intermittent satisfactory service aggregating not less than 3 years on the rolls in a position in or under the Federal Government or the municipal government of the District of Columbia;

may, upon approval of his application made to the United States Civil Service Commission within 1 year after the effective date of this section, be reappointed without competitive examination to a position in the competitive civil service for which he is qualified. Such reappointment (except reappointment to a position involving temporary job employment) shall be a career-conditional appointment or a career appointment, as determined under the appropriate United States Civil Service Commission regulations governing career-conditional and career appointments.

SEC. 2. The United States Civil Service Commission is hereby authorized and directed to promulgate such rules and regulations as it determines to be necessary to carry out the provisions of this act.

SEC. 3. Nothing in this act shall affect, or be construed to affect, the application of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law 253, 82d Cong.), as amended.

SEC. 4. The foregoing sections of this act shall become effective on the 90th day following the date of enactment of this act.

With the following committee amendments:

Page 1, line 3, immediately after the word "That", insert "(a)."

Page 3, immediately following line 3, insert the following new subsection:

"(b) Each employee of the Federal Government or of the municipal government of the District of Columbia who met the requirements of the act entitled 'An act to provide for the granting of career-conditional and career appointments to certain qualified employees', approved August 12, 1955 (Public Law 380, 84th Cong.), but did not file application for the benefits of such act prior to November 10, 1956, because of administrative error by the department, agency, or establishment in which he was employed, may file his application for the benefits of such act within 1 year after the effective date of this section."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### DISPATCH OF MAIL FROM POST OFFICES

The Clerk called the bill (H. R. 10496) to revise the law relating to the dispatch of mail from post offices, and for other purposes.

There being no objection, the clerk read the bill, as follows:

*Be it enacted, etc.,* That section 3840 of the Revised Statutes (39 U. S. C. 3) is amended by striking out the comma and the words "not exceeding 1 hour" immediately following the word "accordingly."

With the following committee amendment:

Line 4, strike out "the comma and the words 'not exceeding 1 hour' immediately following the word 'accordingly' and insert '1 hour' and inserting in lieu thereof '3 hours'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TRANSFER OF FEDERAL EMPLOYEES FOR SERVICE WITH INTERNATIONAL ORGANIZATIONS

The Clerk called the bill (S. 4004) to encourage and authorize details and transfers of Federal employees for service with international organizations.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That this act may be cited as the "Federal Employees International Organization Service Act."

#### DEFINITIONS

SEC. 2. As used in this act—

(1) "International organization" means every public international organization or international-organization preparatory commission in which the United States Government participates.

(2) "Federal agency" means any department or agency in the executive branch of the United States Government including independent establishments and Government owned or controlled corporations, and any employing authority in the legislative branch of the United States Government.

(3) "Employee" means any civilian appointive officer or employee in or under the executive or the legislative branch of the United States Government.

(4) "Congressional employee" means those included in the definition of that term contained in the Civil Service Retirement Act.

(5) "Transfer" means the change of position by an employee from a Federal agency to an international organization.

(6) "Detail" means the assignment or loan of an employee to an international organization without the employee's transfer from the Federal agency by which he is employed.

(7) "Reemployment" means either the reemployment of an employee pursuant to section 4 (a) (5), or the reemployment of a Congressional employee within 90 days from the date of his separation from the international organization, following a term of employment not extending beyond the period specified by the head of the Federal agency at the time of consent to transfer or, in the absence of such a specified period, not extending beyond the first three consecutive years of his entering the employ of the international organization.

#### DETAILS

SEC. 3. (a) The head of any Federal agency is authorized to detail for a period not exceeding 3 years any employee of his department or agency to an international organization requesting services.

(b) Any employee while so detailed shall be considered for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits, to be an employee of the Federal agency from which detailed and he shall continue to receive compensation, allowances, and benefits from funds available to that agency. The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 1765 of the Revised Statutes.

(c) Details may be made under this section—

(1) without reimbursement to the United States by the international organization; or

(2) with agreement by the international organization to reimburse the United States for compensation, travel expenses, and allowances, or any part thereof, payable during the period of detail in accordance with subsections (a) and (b), and such reimbursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances.

(d) Nothing in section 1914 of title 18, United States Code, relative to augmenting salaries of Government employees shall prevent an employee detailed under this section from being paid or reimbursed by an international organization for allowances or expenses incurred in the performance of duties required by the detail.

#### TRANSFERS

SEC. 4. Notwithstanding the provisions of any law, Executive order, or regulation, any employee serving under a Federal appointment not limited to 1 year or less who transfers to an international organization is entitled to the following, if the transfer is made with the consent of the head of his







*Senate - Aug. 19, 1958*

4. CONTRACTS. The Finance Committee reported with amendments H. R. 11749, to extend the Renegotiation Act of 1951 for 6 months, until June 30, 1959 (S. Rept. 2478). p. 16995
5. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 9407, to provide additional opportunity for certain employees to obtain career-conditional and career appointments in the competitive service (S. Rept. 2474). p. 16995
6. ECONOMIC SITUATION. Sen. Johnson commended the passage of anti-recession measures by Congress, and inserted an editorial stating that the economy seemed to be improving. p. 17060
7. WATER RESOURCES. Sen. Johnson urged a planned program to develop Texas' water resources. pp. 17060-1
8. APPROPRIATIONS. Both Houses received from the President a proposed supplemental appropriation for HEW (\$119.3 million) and Labor (\$70.4 million) for 1959, and for the Post Office Department (\$54 million) for fiscal year 1957 and 1958; to the Appropriations Committees. pp. 16993, 16994 (S. Doc. 117)
9. EXPORTS. Both Houses received from the Commerce Department a report on export control for the second quarter of 1958. pp. 16993, 16995
10. ADMINISTRATIVE ORDERS. Began debate on H. R. 6789, to provide for reasonable notice of applications to U. S. courts of appeals for interlocutory relief against the orders of certain administrative agencies. pp. 17125-7
11. LEGISLATIVE PROGRAM. A call of the calendar was ordered for today, Aug. 20. p. 16994

HOUSE - August 18 (continued)

12. FOOD STAMPS. The remaining portion of the debate on H. R. 13067, the food stamp plan bill, which was rejected by the House (see Digest 143), appears in the Congressional Record today. pp. 16891-900
13. BUILDING LEASES. The Government Operations Committee reported without amendment S. 3142, to extend GSA authority to lease out Federal building sites until needed for construction purposes (H. Rept. 2662). p. 16931
14. EDUCATION. The Rules Committee reported a resolution providing for sending to conference H. R. 13247, the national defense education bill. p. 16931
15. SURPLUS PROPERTY. The Government Operations Committee issued a report on "importation of foreign excess property" (H. Rept. 2661). p. 16931
16. FARM POLICIES. Rep. Madden discussed "some of the accomplishments and failures of this session of Congress," including farm policy, foreign policy, and domestic economic conditions. pp. 16912-15
17. SMALL BUSINESS. Rep. Evins commended the Congress for the passage of legislation to aid small businesses, and inserted a newspaper article on the subject. pp. 16927-28

# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

Issued August 20, 1958  
For actions of Aug. 18 and 19, 1958  
85th-2d, No. 144

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HIGHLIGHTS: House received conference report on supplemental appropriation bill.

### SENATE - August 19

1. FORESTRY. Agreed to the House amendment to S. 4053, to extend the boundaries of the Siskiyou National Forest, Ore. This bill will now be sent to the President. p. 17101  
Sen. Murray commended Sen. Neuberger for his work on the passage of the Klamath Indian forest bill, S. 3051, and inserted an editorial on the matter. pp. 17034-5
2. RECLAMATION. Agreed to the House amendments to S. 3448, to exempt the Skeedskadee unit, Colorado River Basin project, from the acreage limitation provisions of the Reclamation Act. This bill will now be sent to the President. pp. 17035-6
3. RIVER BASINS. Agreed to the House amendments on S. 4021, to establish the U. S. Study Commission on the Savannah, Altamaha, St. Mary's, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins. This bill will now be sent to the President. p. 17035



## CERTAIN APPOINTMENTS IN THE COMPETITIVE SERVICE

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AUGUST 19, 1958.—Ordered to be printed

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Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, submitted the following

### REPORT

[To accompany H. R. 9407]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 9407) to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### STATEMENT

Following are extracts from the House Report No. 2506 on this bill:

The reported bill provides (1) reinstatement rights to the competitive civil service for employees of the Federal Government and the District of Columbia whose positions on or before January 23, 1955, were in the competitive service but between that date and November 10, 1955, were transferred to the excepted service; and (2) extends conversion to career or career-conditional appointments to employees who failed to file timely applications under existing law because of erroneous advice or determination by their employing agencies.

In August 1955, Congress passed Public Law 380, 84th Congress (69 Stat. 709), to provide for the granting of career-conditional and career appointments to certain qualified employees. Public Law 380 made it possible for Federal employees under temporary or indefinite appointments to be converted to civil-service status if they met certain requirements set forth in the law.

A small group of approximately 25 maintenance and custodial workers of the National Security Agency in the Department of Defense were denied these rights. The reason for this denial was that, during the period January 23 to November 10, 1955, their positions were transferred to the excepted service although they continued to perform the same work. This bill provides reinstatement rights in the competitive civil service to this group of employees providing they submit an application within 1 year after the effective date of this legislation. These rights may be exercised at any subsequent date. Thus, these employees may at some later date be appointed positions in the competitive service without the necessity of taking a competitive examination.

These rights would accrue if the employee (1) was serving in the excepted service on November 10, 1955; (2) served in the competitive service without break from January 23, 1955, until his position was removed to the excepted service; (3) passed a qualifying examination between June 3, 1950, and January 23, 1955, or within a year after effective date of the bill meets the Civil Service Commission non-competitive-examination standards; (4) has completed, prior to November 10, 1956, a total of 3 years' satisfactory service; and (5) applies to the Civil Service Commission for reinstatement rights within 1 year of the effective date of this legislation.

No additional expenditure is involved in this legislation.

The reported bill has the approval of the Civil Service Commission and major Federal employee organizations.



Calendar No. 2540

85<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 9407

[Report No. 2474]

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IN THE SENATE OF THE UNITED STATES

AUGUST 19, 1958

Read twice and referred to the Committee on Post Office and Civil Service

AUGUST 19, 1958

Reported by Mr. JOHNSTON of South Carolina, without amendment

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## AN ACT

To provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       That (a) each employee of the Federal Government or of  
4       the municipal government of the District of Columbia who—

5               (1) on November 10, 1955, was serving in the ex-  
6       cepted service in a position listed under schedule A or B  
7       of Rule VI of the Civil Service Rules which was removed  
8       from the competitive civil service subsequent to January  
9       23, 1955;

10           (2) served in a position or positions in the competi-

1        tive civil service without break in service from January  
2        23, 1955, to the date of the removal of his position as  
3        specified in subparagraph (1) of this section;

4            (3) (A) during the period beginning June 3,  
5        1950, and ending January 23, 1955, passed a qualifying  
6        examination for a position in the competitive civil service  
7        in which he served during such period, or (B) within  
8        one year after the effective date of this section meets such  
9        noncompetitive examination standards as the United  
10       States Civil Service Commission shall prescribe with  
11       respect to the position which he held at the time his  
12       position was removed from the competitive civil service;  
13       and

14            (4) has completed, prior to November 10, 1956,  
15        a total of continuous or intermittent satisfactory service  
16        aggregating not less than three years on the rolls in a  
17        position in or under the Federal Government or the  
18        municipal government of the District of Columbia;  
19        may, upon approval of his application made to the United  
20       States Civil Service Commission within one year after the  
21       effective date of this section, be reappointed without com-  
22       petitive examination to a position in the competitive civil



1 service for which he is qualified. Such reappointment  
2 (except reappointment to a position involving temporary job  
3 employment) shall be a career-conditional appointment or a  
4 career appointment, as determined under the appropriate  
5 United States Civil Service Commission regulations govern-  
6 ing career-conditional and career appointments.

7 (b) Each employee of the Federal Government or of the  
8 municipal government of the District of Columbia who met  
9 the requirements of the Act entitled "An Act to provide for  
10 the granting of career-conditional and career appointments  
11 to certain qualified employees", approved August 12, 1955  
12 (Public Law 380, Eighty-fourth Congress), but did not file  
13 application for the benefits of such Act prior to November  
14 10, 1956, because of administrative error by the department,  
15 agency, or establishment in which he was employed, may file  
16 his application for the benefits of such Act within one year  
17 after the effective date of this section.

18 SEC. 2. The United States Civil Service Commission is  
19 hereby authorized and directed to promulgate such rules and  
20 regulations as it determines to be necessary to carry out the  
21 provisions of this Act.

22 SEC. 3. Nothing in this Act shall affect, or be construed

1 to affect, the application of section 1310 of the Supplemental  
2 Appropriation Act, 1952 (Public Law 253, Eighty-second  
3 Congress), as amended.

4 SEC. 4. The foregoing sections of this Act shall become  
5 effective on the ninetieth day following the date of enact-  
6 ment of this Act.

Passed the House of Representatives August 18, 1958.

Attest:

RALPH R. ROBERTS,

*Clerk.*



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# **AN ACT**

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To provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

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AUGUST 19, 1958

Read twice and referred to the Committee on Post  
Office and Civil Service

AUGUST 19, 1958

Reported without amendment







Aug 20, 1958

- 3 -

11. RESEARCH. Passed with an amendment S. 3268, to amend the National Science Foundation Act regarding certain authority of the Board. The House amendment substitutes the text of H. R. 11257, a similar bill. pp. 17281-2
12. FOREIGN TRADE. Rep. Sikes urged the establishment of an Inter-American Bank designed to promote trade and improve the prosperity of the nations of the Western Hemisphere. p. 17299
13. LEGISLATIVE PROGRAM. Agreed to a unanimous consent request by Rep. Albert that for the remainder of this week bills may be considered under suspension of the rules. pp. 17289-90

#### SENATE

14. PERSONNEL. Conferees were appointed on H. R. 7710, to provide for the lump-sum payment of all accumulated and accrued annual leave of deceased employees. House conferees have been appointed. p. 17323

Passed without amendment H. R. 9407, to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service. This bill will now be sent to the President. p. 17170

Sen. Martin, Pa., was appointed a conferee on S. 25 to specify the effective date upon which pay changes of wage-board employees shall begin following start of a survey. p. 17323

15. FOOD ADDITIVES. At the request of Sen. Clark passed over H. R. 13254, to prohibit the use of food additives until after adequate tests of their safety, which had been placed at the end of the calendar earlier in the day at the request of Sen. Carroll for Sen. O'Mahoney. pp. 17171, 17166

16. MONOPOLIES. Sen. Wiley submitted an amendment to H. R. 2, the Illinois Waterway - Great Lakes diversion bill, which would limit the use of good faith as a defense under Clayton Act prosecutions for price discrimination. p. 17146

17. FORESTRY. Sen. Humphrey inserted resolutions from the villages of McKinly and Stuntz, Minn., urging construction of projects planned for the Superior National Forest so as to provide employment in that area. p. 17144

18. ECONOMIC SITUATION. Sen. Martin, Pa., discussed the economic situation and the dangers of inflation. He cited figures on U. S. Steel Corp. which he asserted showed that price increases were proportionate to the prior wage increases and thus proved the existence of wage-cost-push inflation in recent years. pp. 17156-9

#### ITEMS IN APPENDIX

19. WITHHOLDING INFORMATION. Extension of remarks of Rep. Moss discussing the signing by the President of H. R. 2767, with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records, and inserting an analysis of the "absurdity and the dangers of this Government-wide claim of 'executive privilege'" pp. A7448-50
20. FARM PROGRAM. Rep. Derounian commended and inserted Secretary Benson's magazine article, "Don't Let Unpopularity Scare You." pp. A7466-7

21. MINERALS. Extension of remarks of Rep. Dixon inserting a table showing the maximum costs of incentive payments proposed by S. 4036, the minerals stabilization bill. pp. A7472-3
22. TAXATION. Extension of remarks of Rep. Sadlak reemphasizing his belief that a thoroughgoing reform of our Federal income tax rate structure is vital to our national security. pp. A7479-81
23. AREA DEVELOPMENT. Speech in the House by Rep. Roosevelt urging passage of S. 3683, the proposed area redevelopment bill. pp. A7488-9
24. HUMANE SLAUGHTER. Sen. Proxmire inserted an editorial commending Sen. Humphrey for his "great fight" in securing passage of the humane-slaughter bill. pp. A7494-5

BILL APPROVED BY THE PRESIDENT

25. LAND TRANSFER. H. R. 11800, which authorizes the Secretary to convey approximately 7 acres of the land and improvements comprising the U. S. Animal Quarantine Station to the city of Clifton, N. J., for public use purposes, subject to the city paying 75 percent of the appraised value of the land and improvements, plus \$30,000 to be available to the Department in making alterations and improvements on the remaining portion of the quarantine station. Approved August 20, 1958 (Public Law 85-627, 85th Congress).



## CLAYTON T. WELLS

The bill (H. R. 12867) for the relief of Clayton T. Wells was considered, ordered to a third reading, read the third time, and passed.

## HIPOLITO C. DeBACA

The Senate proceeded to consider the bill (H. R. 10473) for the relief of Hipolito C. DeBaca which had been reported from the Committee on the Judiciary with an amendment on page 2, line 3, after the word "act," to insert "No benefits, except hospital and medical expenses actually incurred, shall accrue by reason of the enactment of this act for any period prior to the date of its enactment."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## INCREASE IN ANNUITIES FROM THE DISTRICT OF COLUMBIA TEACHERS RETIREMENT FUND

The bill (H. R. 8735) to increase annuities payable to certain annuitants from the District of Columbia teachers retirement and annuity fund, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

## ADDITIONAL FUNDS FOR THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 378) providing additional funds for the Committee on the Judiciary in connection with the internal security of the United States was considered and agreed to, as follows:

*Resolved*, That the limitation of expenditures under Senate Resolution 233, 85th Congress, 2d session, relating to the internal security of the United States, agreed to January 29, 1958, is hereby increased \$15,000, and such sum, together with any unexpended balance of sum previously authorized to be expended under such resolution, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee and covering obligations incurred under such resolution on or before January 31, 1959.

## MACARTHUR MINING CO.

The resolution (S. Res. 382) referring the bill (S. 263) for the relief of the MacArthur Mining Co. to the Court of Claims was considered and agreed to, as follows:

*Resolved*, That the bill (S. 263) entitled "A bill for the relief of the MacArthur Mining Co., Inc., in receivership", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amounts, if any, legally or equitably due from the United States to the claimants.

## MRS. ELLDREY L. WHALEY

The bill (H. R. 7685) for the relief of Mrs. Elldrey L. Whaley was considered, ordered to a third reading, read the third time, and passed.

## JAMES F. MORAN

The bill (H. R. 11239) for the relief of James F. Moran was considered, ordered to a third reading, read the third time, and passed.

## MR. AND MRS. ALTO ROSS AND OTHERS

The bill (H. R. 12207) for the relief of Mr. and Mrs. Alto Ross and children and for E. B. Ard and his daughter, Mrs. Joan Ard Nichols was considered, ordered to a third reading, read the third time, and passed.

## AMENDMENT OF DISTRICT OF COLUMBIA REDEVELOPMENT ACT OF 1945 AS AMENDED

The bill (H. R. 13406) to amend the District of Columbia Redevelopment Act of 1945, as amended was considered, ordered to a third reading, read the third time, and passed.

## BILLS PASSED OVER

The bill (H. R. 4073) for the relief of Peter James O'Brien was announced as next in order.

Mr. BARRETT. Over, Mr. President.

Mr. MORTON. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5534) for the relief of Mrs. Maude L. Smith was announced as next in order.

Mr. MORTON. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

## MR. AND MRS. JOSEPH D. METZGAR

The bill (H. R. 7178) for the relief of Mr. and Mrs. Joseph D. Metzgar was considered, ordered to a third reading, read the third time, and passed.

## BILL PASSED OVER

The bill (H. R. 8496) for the relief of William H. Pearlmutter was announced as next in order.

Mr. BARRETT. Over, Mr. President.

Mr. MORTON. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

## MAGNOLIA AIRPORT, INC.

The bill (H. R. 10733) for the relief of Magnolia Airport, Inc., was considered, ordered to a third reading, read the third time, and passed.

## BILL PASSED OVER

The bill (H. R. 11817) for the relief of Adele M. Parker was announced as next in order.

Mr. BARRETT. Over, Mr. President.

Mr. MORTON. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

## BERNARD H. ENGLISH AND JOHN E. HAYDEN

The bill (H. R. 13437) for the relief of Bernard H. English and John E. Hayden was considered, ordered to a third reading, read the third time, and passed.

## ESTABLISHMENT OF CIVIL WAR CENTENNIAL COMMISSION

The Senate proceeded to consider the joint resolution (H. J. Res. 557) to amend the act of September 7, 1957 (71 Stat. 626), providing for the establishment of a Civil War Centennial Commission which had been reported from the Committee on the Judiciary with an amendment, on page 1, after line 7, to strike out:

SEC. 9. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution, not to exceed \$100,000 in any one fiscal year.

And, in lieu thereof, to insert:

SEC. 9. There is hereby authorized to be appropriated not to exceed the sum of \$50,000 to carry out the provisions of this joint resolution for the fiscal year of 1960.

Mr. BYRD. Mr. President, the joint resolution as passed by the House of Representatives provided, not an appropriation, but for an authorization of \$100,000 to continue the work of the Civil War Centennial Commission. The bill was amended by the Committee on the Judiciary to reduce the amount to \$50,000 for the fiscal year 1960.

Mr. President, I am advised by the commission this amount is not sufficient. The President of the United States is an ex officio member of the commission. Four Members of the Senate and four Members of the House of Representatives and other prominent citizens are members of the commission. The \$50,000 is not sufficient to continue the work which has been done with respect to the Civil War Centennial Commission. I think this is very important work, and should not be hampered by a lack of funds. I, therefore, ask, Mr. President, that the committee amendment be rejected and that the House bill, which authorizes \$100,000, which, of course, is subject to approval by the Director of the Bureau of the Budget, be passed.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. JAVITS. I have had the most urgent representations on this subject. I hope very much the Senate will concur in the very reasonable request of our colleague.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. ANDERSON. I have checked into this matter a little bit. I strongly support the suggestion made by the Senator from Virginia.

Mr. EASTLAND. Mr. President, I accept the amendment.

Mr. ROBERTSON. Mr. President, I should like to associate myself with the views expressed by my senior colleague,



and I ask unanimous consent to have printed in the RECORD the splendid statement made by members of the commission—and we now have three present on the floor; the Senator from Pennsylvania [Mr. MARTIN], the Senator from Ohio [Mr. BRICKER], and the Senator from New Mexico [Mr. ANDERSON]—as to the purposes of the study.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

To commemorate the centennial of this war we do not want simply to string together a series of holidays, reviving here the exultation of victory and there the sadness of defeat. Rather, the centennial must give us a new understanding of the way in which Americans built from sacrifice and suffering an enduring Nation and a lasting peace. Our ancestors fought to the limit of endurance for 4 years; when the fighting ended they closed ranks, saw in the unity of their land something that overshadowed the bitterness of the fight, and ever since have stood firmly together, fighting side by side, when occasion has demanded, to defend the values which both sections had stood for while the Civil War lasted. Human history contains few lessons more inspiring than this.

So the centennial observance must be a new study of American patriotism—a study which should give us a deeper understanding of the immense reserves of bravery, of sacrifice, and of idealism which lie in the American character.

This study must be based on a broad knowledge of the underlying facts. From the ingenuity and resourcefulness with which an unprepared people met the challenge of the first truly modern war, much can be learned. It goes without saying that where fables and legends have obscured the real truth, the truth must be made clear. We are not preparing to commemorate a romantic myth; we are making ready to look closer at a chapter of our own history, and the chapter must be accurate.

**THE PRESIDING OFFICER.** The Chair is informed that the desire of the Senator from Virginia will be achieved automatically if the committee amendment is rejected.

Mr. BYRD. I ask that the committee amendment be rejected.

**THE PRESIDING OFFICER.** The question is on agreeing to the committee amendment.

The committee amendment was rejected.

**THE PRESIDING OFFICER.** If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

#### REFERRAL OF PRIVATE BILL TO COURT OF CLAIMS

The resolution (S. Res. 379) to refer a private bill (S. 4303) to the Court of Claims was considered and agreed to, as follows:

*Resolved*, That the bill (S. 4303) entitled "A bill for the relief of Floyd Oles," now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate at the earliest practicable date,

giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

#### BILL PASSED OVER

The bill (H. R. 3193) for the relief of Toley's Charter Boats, Inc., Toley Engbretsen, and Harvey Homlar, was announced as next in order.

Mr. BARRETT. Over, Mr. President. **THE PRESIDING OFFICER.** The bill will be passed over.

#### CAREER APPOINTMENTS IN COMPETITIVE CIVIL SERVICE

The bill (H. R. 9407) to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service was considered, ordered to a third reading, read the third time, and passed.

#### GRAND PORTAGE NATIONAL MONUMENT, MINNESOTA

The bill (H. R. 11009) to provide for the establishment of Grand Portage National Monument in the State of Minnesota, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

#### LT. COL. CHARLES A. HOLSHOUSER

The bill (H. R. 1493) for the relief of Lt. Col. Charles A. Holshouser was considered, ordered to a third reading, read the third time, and passed.

#### THOMAS FORMAN SCREVEN AND OTHERS

The Senate proceeded to consider the bill (H. R. 10559) for the relief of Thomas Forman Screven, Julia Screven Daniels and May Bond Screven Rhodes, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding any statute of limitations, lapse of time, or any prior court decision on this claim, but any court of the United States, jurisdiction is hereby conferred on the United States Court of Claims to hear, determine and render judgment on the claims of Thomas Forman Screven, Julia Screven Daniels, and May Bond Screven Rhodes, against the United States for the reasonable value, as of October 1, 1943, of block numbered C 37, Pine Gardens subdivision, Brewton Hill Plantation, Hulin Ward, in Savannah, Ga., which property was taken by the United States in condemnation proceedings (civil action No. 204), Savannah division) begun June 11, 1942, and the final order in which was entered October 1, 1943.

SEC. II. Suit upon such claim may be instituted hereunder not later than 1 year after the date of the enactment of this act: *Provided, however*, That nothing contained in this act shall be construed as an inference of liability on the part of the United States Government.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to confer jurisdiction upon the United States Court of Claims to hear, determine and render judgment on the claims of Thomas Forman Screven, Julia Screven Daniels, and May Bond Screven Rhodes."

#### BILL PASSED OVER

The bill (H. R. 11749) to extend the Renegotiation Act of 1951 for 6 months, and for other purposes, was announced as next in order.

Mr. BARRETT. Over, Mr. President. The bill is not properly calendar business.

**THE PRESIDING OFFICER.** The bill will be passed over.

#### DISPOSAL OF FEDERALLY OWNED PROPERTY

The Senate proceeded to consider the bill (S. 4198) to provide for the disposal of federally owned property of the Hanson, Company, and Houma Canals, La., and for other purposes, which had been reported from the Committee on Public Works with an amendment on page 2, line 7, after the word "interest", to insert a colon and "Provided, That the foregoing shall not be construed to preclude action under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) if the Secretary of the Army reports the property to the Administrator of General Services for reassignment or disposal as excess real property", so as to make the bill read:

*Be it enacted, etc.*, That, whenever the Secretary of the Army, upon recommendation of the Chief of Engineers, determines that any of the federally owned property of Hanson Canal and Lock in St. Mary Parish, La., and the Company and Houma Canals in Lafourche and Terrebonne Parishes, La., no longer economically serve the purposes for which they were constructed or acquired, the structures and appurtenances including real property acquired in connection therewith may be eliminated as features of existing Federal navigation projects.

SEC. 2. The Secretary of the Army is authorized to transfer or convey the property described above to the State of Louisiana or any of its political subdivisions, any local interests, or others, upon such terms and conditions as the Secretary may determine to be in the public interest: *Provided*, That the foregoing shall not be construed to preclude action under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) if the Secretary of the Army reports the property to the Administrator of General Services for reassignment or disposal as excess real property.

**THE PRESIDING OFFICER** laid before the Senate the bill (H. R. 13500) to provide for the disposal of federally owned property of the Hanson, Company, and Houma Canals, La., and for other purposes, which was read twice by its title.

**THE PRESIDING OFFICER.** Is there objection to the present consideration of the bill (H. R. 13500), which is an identical House bill.







Public Law 85-847  
85th Congress, H. R. 9407  
August 28, 1958

AN ACT

To provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) each Federal employees. Reinstatement rights.  
employee of the Federal Government or of the municipal government of the District of Columbia who—

(1) on November 10, 1955, was serving in the excepted service in a position listed under schedule A or B of Rule VI of the Civil Service Rules which was removed from the competitive civil service subsequent to January 23, 1955;

(2) served in a position or positions in the competitive civil service without break in service from January 23, 1955, to the date of the removal of his position as specified in subparagraph (1) of this section;

(3) (A) during the period beginning June 3, 1950, and ending January 23, 1955, passed a qualifying examination for a position in the competitive civil service in which he served during such period, or (B) within one year after the effective date of this section meets such noncompetitive examination standards as the United States Civil Service Commission shall prescribe with respect to the position which he held at the time his position was removed from the competitive civil service; and

72 Stat. 1086.

(4) has completed, prior to November 10, 1956, a total of continuous or intermittent satisfactory service aggregating not less than three years on the rolls in a position in or under the Federal Government or the municipal government of the District of Columbia;

72 Stat. 1087.

may, upon approval of his application made to the United States Civil Service Commission within one year after the effective date of this section, be reappointed without competitive examination to a position in the competitive civil service for which he is qualified. Such reappointment (except reappointment to a position involving temporary job employment) shall be a career-conditional appointment or a career appointment, as determined under the appropriate United States Civil Service Commission regulations governing career-conditional and career appointments.

(b) Each employee of the Federal Government or of the municipal government of the District of Columbia who met the requirements of the Act entitled "An Act to provide for the granting of career-conditional and career appointments to certain qualified employees", approved August 12, 1955 (Public Law 380, Eighty-fourth Congress), but did not file application for the benefits of such Act prior to November 10, 1956, because of administrative error by the department, agency, or establishment in which he was employed, may file his application for the benefits of such Act within one year after the effective date of this section. Filing application 69 Stat. 709. 5 USC 631 note.

SEC. 2. The United States Civil Service Commission is hereby authorized and directed to promulgate such rules and regulations as it determines to be necessary to carry out the provisions of this Act. Rules and regulations.

72 Stat. 1087.

65 Stat. 757.

43 USC note.

Effective date.

SEC. 3. Nothing in this Act shall affect, or be construed to affect, the application of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law 253, Eighty-second Congress), as amended.

SEC. 4. The foregoing sections of this Act shall become effective on the ninetieth day following the date of enactment of this Act.

Approved August 28, 1958.